

## REMARKS

Restriction under 35 U.S.C. 121 was required between claims 1 and 2 versus claim 3. Election has been made to prosecute claims 1 and 2 without traverse. Claim 3 has been canceled in this amendment and response.

Newly corrected drawings in compliance with 37 CFR 1.121(d) have been included in this amendment and response. No new matter has been entered.

Claims 1 and 2 were objected to because of informalities; those informalities have been remedied in this amendment and response.

Claims 1 and 2 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The indefinite language has been corrected and/or removed in this amendment and response.

Claim 1 was rejected under 35 U.S.C. 102(e) as being anticipated by Scher (6,607,245). Claims 1 and 2 were rejected under 35 U.S.C. 102(b) as being anticipated by Meistrell (4,707,031). Claims 1 and 2 were rejected under 35 U.S.C. 102(b) as being anticipated by McMichael (6,386,639). Claims 1 and 2 were rejected under 35 U.S.C. 102(e) as being anticipated by Moran (6,799,802). Applicant has amended claim 1, canceled claim 2, and added new claims 4 and 5. The claims now have the limitations that the present invention is configured to allow the user's head to rotate within the hat, and/or that the present invention has a first piece of hook and loop type fastener and a second piece of hook and loop fastener that are configured to separate from one another under conscious movement of the user's head. These limitations are supported in the specification as originally filed. The cited art does not provide for such limitations.

Applicant petitions for any extensions of time necessary. Please charge all fees due and owing to Deposit Account No. 500356 in the name of A + Legal Services - Greenberg & Lieberman.

I hereby certify that this amendment and response was faxed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 21, 2005 via fax number 571-273-8300.

Respectfully submitted,



Michael L. Greenberg, Esq.

Registration Number 47,312